

Dear FCC:

In reference to paragraph 40 of ET 02-98:

*40. The 5000 kHz Petition does not discuss sub-banding and ARRL's suggested rules would allow all emission types to use the entire band.[94] We note that several commenters suggest that sub-banding would be useful. We further note that Section 97.305 of our Rules segregates digital modes from other amateur station emission modes in the 3500 kHz and 7000 kHz bands to protect narrow band emissions like data from wider emissions like single-side band voice.[95] We request comment on whether sub-banding is necessary and/or appropriate for the 5000 kHz band as well.*

Several comments on ET 02-98 thus far have cited the example of 160 meters (which currently has no sub-banding) as being either a **good example** or a **bad example** of whether sub-banding is appropriate for 60 meters. Since the amateur community has had actual first-hand experience with this issue for many years on 160 meters, I refer you to the nearly 500 unique comments on RM-10352 which addresses the identical issue on 160 meters. Excerpting our reply comment summary on the ECFS site:

Source:

[http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6513077807](http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6513077807)

**82% of unique responses *in favor* of RM-10352 (mode sub-banding on 160m)**

Excluding all petitioners' comments, duplicate comments and reply comments, we counted 82% ***in favor*** (401 in favor, 86 against) out of 487 unique comments made with respect to RM-10352 on the FCC ECFS site. We were also pleased to see international endorsement by amateurs from the UK, Finland, Hong Kong, Australia, New Zealand and Canada. Several comments were ambiguous and indicated some misunderstanding of the petition (e.g. some did not favor protection of CW but did favor protection of digital modes). Most negative comments came from two identifiable groups.

1. 25 comments appeared to come from an AM group that frequents the AM Radio Bulletin Board at: <http://www.amwindow.org/wwwboard/wwwboard.html>
2. 20 comments appeared to come from an SSB group primarily located in Florida

One noteworthy observation about the objections raised by the SSB and AM communities is that they seem to feel they are giving up spectrum below 1843 kHz were

RM-10352 to be adopted. In fact, they do not presently have wideband mode access to this area of the band unless they choose to violate established ARRL (old and new) and IARU voluntary Bandplans. ***The only reason they seemingly can object to restricting wideband modes to 1843 kHz and above would be their implied intention to transmit using wideband modes below 1843 in violation of existing voluntary bandplans.***

I also call your attention to minute 64 adopted at the most recent ARRL Board of Directors meeting on July 19-20, 2002:  
(Source: <http://www.arrl.org/announce/board-0207/> )

***64. On motion of Mr. Frenaye, seconded by Mr. Stinson, it was VOTED that at the next practical opportunity the ARRL shall petition the FCC to revise Part 97 to regulate subbands by signal bandwidth instead of by mode.***

89% of 403 ARRL members commenting on RM-10352 on the ECFS site were ***in favor*** of sub-banding by mode bandwidth on 160 meters (i.e. restricting wideband modes [ $>1$  kHz] to 1840 kHz and above).

Finally, I cannot help but note the inconsistency of ET 02-98 with existing or proposed regulations on other HF amateur bands. The following summarizes mode sub-banding under RM-10352, RM-10413 (ARRL Novice Refarming) and ET 02-98.

## **NARROWBAND ALLOCATIONS BY BAND**

Band	Current %	Proposed %	Proposal	Narrowband/Total (kHz)
160	0	20	RM-10352	40 / 200
80	50	45	RM-10413	225 / 500
60	N/A	0	ET 02-98	0 / 150
40	50	41.7	RM-10413	125 / 300
30	100	100	No change	50 / 50
20	42.9	42.9	No change	150 / 350
17	42.0	42.0	No change	42 / 100
15	44.4	44.4	RM-10413	200 / 450
12	40	40	No change	40 / 100
10	17.6	17.6	No change	300 / 1700

During its entire history, there have been no sub-bands on 160 meters. During the past 15+ years that we have had an ARRL Voluntary Bandplan,

there have been continual problems with inter-modal interference. As in many aspects of life, a few individuals may choose to ignore voluntary plans which benefit all in order to selfishly exercise their First Amendment rights. Rather than eliminating workload for the FCC, the lack of mode segmentation may result in additional enforcement actions which are generally avoided on all other HF amateur bands. The most recent example of FCC enforcement was against a group of amateurs who, for at least 17 years that I am personally aware of, operated daily on 1823 kHz LSB in the middle of the narrowband area of both ARRL and IARU Region 2 Voluntary Bandplans. Despite repeated requests to move from the narrowband segment, the group adamantly refused. Only after FCC Special Counsel Hollingsworth sent 3 enforcement letters on September 12, 2001, did the group move to a wideband area of 160 meters.

(Source: [http://www.arrl.org/news/enforcement\\_logs/2001/0922.html](http://www.arrl.org/news/enforcement_logs/2001/0922.html) )

In summary, I would hope the Commission will not make the same mistake on 60 meters that has caused inter-modal conflict on 160 meters for so many years. As a taxpayer, I feel it is a waste of FCC resources to resolve inter-modal conflicts that could be totally avoided by the same simple frequency delineation by mode bandwidth which currently exists on every other HF amateur band (excluding 160 meters). 82% of the respondents to RM-10352 feel 160 meters ***should be segmented*** by signal mode bandwidth and I would hope the FCC will take this into consideration for the proposed 60 meter band.

Sincerely,

William R. Tippet II W4ZV

P.S. I notice that 12 comments on ET 02-98 have been incorrectly filed under RM-10209 on the ECFS site since mid-May (closed to comments since last September).